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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,477	06/30/2000	Marcus Maranhao	50325-0115	2232

29989 7590 10/04/2004

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/608,477	Applicant(s) MARANHAO, MARCUS	
	Examiner Steven HD Nguyen	Art Unit 2665	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 7/15/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

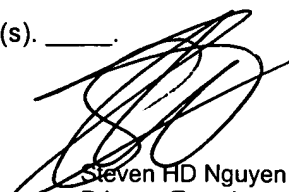
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


 Steven HD Nguyen
 Primary Examiner
 Art Unit: 2665

Continuation of 2. NOTE: the added limitation of the independent claims has altered the scope of the claims. Therefore, it would require further consideration/search..

Continuation of 10. Other: In response to pages 6-7, the applicant states that the examiner should withdraw final office action because it is impropered such as the examiner does not answer several argument for patentability that are presented in the applicnat's reply filed 03/03/04 such (1) wallace includes negative teaching, (2) Edson does not exclude IP and (3) Rabenko does not exclude IP. In reply, with respect to (1)and (2) the examiner agrues in page 7 by showing the combination of Edson and Wallace performs the claimed invention in order to exclude the internet protocol by apply the teaching of Wallace such as using AAL 2 for encoding the voice signal into ATM cell for transmitting via a telephone wire as set forth in the final office action. the teaching of Edson and Wallace perform the claimed invention. With respect (3), the applicant states that Rabenko does not exclude IP. In reply, in pages 5-6 of the final office action, the examiner agrues that Rabenko discloses a system that includes a gateway for converting the IP to HPNA protocol before forwarding the voice packet to the telephone device or the HNPA to IP protocol before forward into the internet. Therefore, Final official is propered because the examiner response to the statement of the applicant in the response which filed 03/03/04. Futhermore, the applicant states that Rabenko is not a prior art under 102(e)(1). In reply, Rabenko is a prior art under 102(e)(1) as stated in MPEP 706.02 [R-2]. The examnier encloses an example which the filed date of non provisonal of provisional application is a US application publication date for using with 102(e)(1).